

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 LEO CONO,

5 Plaintiff,

6 v.

7 AVALON BAY COMMUNITIES, INC., et
8 al.,

9 Defendants.

Case No. 2:18-cv-0482-APG-VCF

**Order Accepting Report and
Recommendation and Dismissing Case**

(ECF Nos. 7, 10, 12)

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11 On May 1, 2018, Magistrate Judge Ferenbach entered his Report and Recommendation
12 recommending dismissal of plaintiff Leo Cono's Second Amended Complaint. ECF No. 7. Judge
13 Ferenbach previously dismissed Cono's original complaint because it was incoherent (ECF No. 3),
14 and Cono filed an Amended Complaint (ECF No. 5) and a Second Amended Complaint (ECF No.
15 6). Since Judge Ferenbach's recommendation to dismiss the Second Amended Complaint, Cono
16 has filed two additional amended complaints (ECF Nos. 8, 12) and an objection and two motions
17 for more time to file another amended complaint (ECF No. 10, 12).

18 I have conducted a de novo review of the issues set forth in the Report and Recommendation
19 under Local Rule IB 3-2. When considering Cono's application to proceed in forma pauperis, the
20 court must review Cono's complaint to determine whether the complaint is frivolous, malicious, or
21 fails to state a plausible claim. 28 U.S.C. § 1915(e)(2)(B). Judge Ferenbach's original order pointed
22 out that Cono's allegations made no sense and did not make out a plausible claim for relief. ECF
23 No. 3. Cono's subsequent pleadings and filings do not cure those defects. To the contrary, they
24 worsen the problem by adding scores of new defendants and new allegations that are equally far-
25 fetched. Cono's allegations do not cross "the line from conceivable to plausible," and thus they do
26 not state a claim for relief under Federal Rule of Civil Procedure 8. *Ashcroft v. Iqbal*, 556 U.S. 662,
27 680 (2009) (quotation omitted).
28

1 This court cannot exercise diversity jurisdiction over Cono's complaint because he is a
2 Nevada resident and several of the purported defendants are Nevada citizens. The complaint fails
3 to allege sufficient facts to give rise to a plausible claim under federal law, so the court cannot
4 exercise federal question jurisdiction.¹

5 Cono has filed four proposed amended complaints in addition to his original complaint.
6 None of those pleadings cures the defects pointed out above. It is apparent that Cono cannot
7 properly plead his claims, so I will dismiss this case without leave to amend.

8 IT IS HEREBY ORDERED that the Report and Recommendation (**ECF No. 7**) is **accepted**,
9 Cono's motions (**ECF Nos. 10, 12**) are **DENIED**, and this case is **DISMISSED**. The clerk of the
10 court shall enter Judgment accordingly and close the case.

11 Dated: June 1, 2018.

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14 ANDREW P. GORDON
15 UNITED STATES DISTRICT JUDGE
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27 ¹ Judge Ferenbach also correctly notes that it is highly doubtful whether this court can exercise
28 personal jurisdiction over many of the purported defendants. But that is a question for another
day, and perhaps another case, as this case is being closed and no further proceedings will be
entertained.